

## SUITABILITY POLICY--STATE AIR POLLUTION CONTROL BOARD

(adopted 9/11/87)

It is the policy of the State Air Pollution Control Board (SAPCB) that the suitability of a proposed facility to a specific location be determined by the local governing body, except as to questions involving the air quality regulatory authority of the SAPCB. This position is consistent with the intent of the Code of Virginia (ref. 1.5.1-427), which encourages and empowers local governments to make use of planning and zoning as a way to govern community development and economic growth in order to protect public health, safety, and welfare. The SAPCB, therefore, shall consider the suitability of a proposed facility only as it pertains to:

1. air quality characteristics and performance requirements defined by SAPCB regulations;
2. the health impact of air quality deterioration which might reasonably be expected to occur during the grace period allowed by SAPCB regulations or the permit conditions to fix malfunctioning air pollution control equipment; or
3. anticipated impact of odor on surrounding communities or violation of the SAPCB Odor Rule.

These criteria give the SAPCB considerable latitude in making judgments: however, it is clearly not the intention of the SAPCB to become a step in the appeal process for those who wish to challenge a local government planning or zoning decision or as a way for local governments to avoid zoning or suitability decisions. The SAPCB, therefore, would consider a decision by a local governing body as to the suitability of a proposed new facility or expansion of an existing facility, but would approve or disapprove a permit application only within the context of the three air quality issues enumerated above. .

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